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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/247,525	02/10/1999	MASAKI HAYASHI	102731	7732

25944 7590 10/23/2002

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EXAMINER

TRAN, NHAN T

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

HG

# Office Action Summary

Application No.

09/247,525

Applicant(s)

HAYASHI, MASAKI

Examiner

Nhan T. Tran

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4 & 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Parulski et al. (US 5,493,335).

Regarding claim 1, Parulski et al. disclose an electronic camera having a continuous shooting function (see fig. 1, burst 88c), comprising:

an image capturing unit (CCD 28) that captures a subject image (see fig. 1);

a setting unit (14 with control switches 88a-88f) that sets operating parameters related to image processing performed during image capturing (see fig. 1);

a resolution conversion unit that performs resolution conversion on image data of an image captured by the image capturing unit in correspondence to a resolution set at the setting unit (see col. 2, lines 32-38);

an inherent image compression unit that performs image compression on image data converted by the resolution conversion unit in correspondence to a compression factor set, which is inherently associated with the resolution set, at the setting unit.

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a continuous shooting unit that performs continuous shooting of a subject image by continuously driving the image capturing unit, the resolution conversion unit and the image compression unit (see fig. 1, col. 5, lines 63-67 to col. 6, lines 1-3); wherein:

the resolution conversion unit is capable of performing resolution conversion at least at high resolution (full resolution) and at a low resolution (reduced resolution) that is lower than the high resolution (see col. 2, lines 32-38)

the image compression unit is inherently capable of performing image compression at least at a low compression factor (corresponding to full resolution) and at a high compression factor (corresponding to reduced resolution) that is higher than the low compression factor; and

when the continuous shooting unit executes continuous shooting, the image compression unit inherently performs image compression at the high compression factor if the resolution at the resolution conversion unit is set to the low resolution (see col. 5, line 65 – col. 6, line 1).

Regarding claim 2, an instruction unit that issues instructions to ensure that the resolution conversion unit performs resolution conversion at the low resolution and the image compression unit performs image compression at the high compression factor (inherently), without having to change settings for the resolution and the compression factor that have been set by the setting unit (see col. 5, lines 63-67 to col. 6, lines 1-3 & 63-67), is provided; and

when the continuous shooting unit executes continuous shooting, the resolution conversion unit performs resolution conversion at the low resolution and the image

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compression unit performs image compression at the high compression factor in conformance to instruction issued at the instruction unit (see col. 5, lines 63-67 to col. 6, lines 1-3)

Regarding claim 3, the claimed limitations are accommodated with respect to claim 1.

Regarding claim 4, the claimed limitations are accommodated with respect to claim 2.

Regarding claim 6, the claimed limitations are accommodated with respect to claim 2.

Regarding claim 7, the claimed limitations are accommodated with respect to claim 1.

Regarding claim 8, the claimed limitations are accommodated with respect to claim 2.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (US 5,493,335) in view of Mizoguchi (US 6,407,772).

Regarding claim 5, Parulski et al disclose all the limitations of claim 5 except for disclosing the setting unit is capable of setting a continuous shooting speed at the continuous shooting unit at least at a normal speed and at a high speed that is higher than the normal speed. However, such a configuration is well known in the art for the user to select an appropriate continuous speed corresponding to available memory in the storage device as suggested by Mizoguchi in fig. 1, col. 3, lines 5-9 & col. 2, lines 26-35.

Therefore, it would have been obvious to one of ordinary skill in the art to implement the configuration of setting a continuous shooting speed at the continuous shooting unit at least at a normal speed and at a high speed that is higher than the normal speed as taught by Mizoguchi into the continuous shooting function disclosed by Parulski et al. for the user to select an appropriate continuous speed corresponding to available memory in the storage device.

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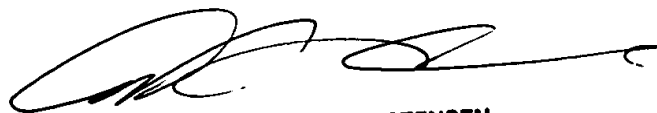
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Friday, 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

NT.  
October 21, 2002



ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600